

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

DANIEL JERIMIAH SIMMS,

Plaintiff,

v.

MICHAEL HATHAWAY,  
CHRISTOPHER FITZPATRICK,  
DONNA BYRNES, and FRANK  
RIVERA,

Defendants.

CASE NO. C23-5068 MJP

ORDER GRANTING MOTION TO  
TRANSFER

This matter comes before the Court on Defendants' Motion to Transfer. (Dkt. No. 36.) Having reviewed the Motion, Plaintiff's Response (Dkt. No. 38), and all supporting materials, the Court GRANTS the Motion.

Invoking 28 U.S.C. § 1404(a), Defendants ask the Court to transfer this action to the Eastern District of Washington. As Section 1404 explains, "[f]or the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all

1 parties have consented.” 28 U.S.C. § 1404(a). “Under § 1404(a), the district court has discretion  
2 to adjudicate motions for transfer according to an individualized, case-by-case consideration of  
3 convenience and fairness.” Jones v. GNC Franchising, Inc., 211 F.3d 495, 498 (9th Cir. 2000)  
4 (citation and quotation omitted). The Court must weigh multiple factors to determine whether  
5 transfer is appropriate. Id. Factors a court may consider include: “(1) the location where the  
6 relevant agreements were negotiated and executed, (2) the state that is most familiar with the  
7 governing law, (3) the plaintiff’s choice of forum, (4) the respective parties’ contacts with the  
8 forum, (5) the contacts relating to the plaintiff’s cause of action in the chosen forum, (6) the  
9 differences in the costs of litigation in the two forums, (7) the availability of compulsory process  
10 to compel attendance of unwilling non-party witnesses, and (8) the ease of access to sources of  
11 proof.” Id. at 498–99.

12 The Court finds transfer appropriate under § 1404(a) for several reasons. First, the  
13 infraction Simms challenges was issued by staff at Airway Heights Corrections Center, which is  
14 in the Eastern District of Washington. Second, Plaintiff is now incarcerated at Airway Heights,  
15 and three of the four defendants, as well as potential witnesses, reside in the Eastern District.  
16 This means that the Eastern District will, by in large, be more convenient to the Parties and  
17 witnesses. Third, the Eastern District has every interest in hearing Simms’s claims, particularly  
18 as it concerns conduct occurring within the District. Fourth, the Court does not believe that any  
19 of the Jones factors weigh in favor of keeping this matter in this District. Indeed, Simms does not  
20 contest transfer. Having considered the Jones factors, the Court finds that transfer is appropriate.  
21 The Court therefore GRANTS the Motion and TRANSFERS this action to the United States  
22 District Court for the Eastern District of Washington.

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1 The clerk is ordered to provide copies of this order to all counsel.

2 Dated April 1, 2025.

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4 Marsha J. Pechman  
5 United States Senior District Judge  
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